

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE  
SUBDIVISION REPORT # FPP-19-10  
SAINT HERMAN SUBDIVISION  
MAY 21, 2020**

**Update May 20, 2020**

*The staff report has been updated since the Planning Board original public hearing to include a Traffic Impact Study (TIS) as requested by the Planning Board at the August 14, 2019 meeting. The update will include public comment received after the first draft of this report was completed, including public comments regarding traffic. The discussion on the impacts to roads has been modified to reflect information from the TIS. At the August 14, 2019 the applicant asked the file be tabled until such time that additional information could be provided to the planning office.*

**I. GENERAL INFORMATION**

**A. Project Description**

The request is for preliminary plat approval of Saint Herman Subdivision, a two lot subdivision that would create 1 residential lot and 1 lot for the proposed Saint Herman Orthodox Church. Located west of Kalispell, the subject property is located at the intersection of North Hill Road and Morning View Drive.

**B. Project Personnel**

**i. Owner**

Stimer Family Trust  
23440 SE Daybreak Place  
Maple Valley, WA 98058

**ii. Applicant**

Saint Herman Orthodox Church  
PO Box 11089  
Kalispell, MT 59904

**iii. Tech. Representative**

Meridian Land Surveying  
PO Box 587  
Gallatin Gateway, MT 59730

**C. Application Review Dates**

**1. Land Use Advisory Committee/Council**

The proposal is not located within the jurisdiction of a Land Use Advisory Committee.

**2. Planning Board**

Upon submittal of the TIS the application was scheduled for the next available Planning Board. The Flathead County Planning Board will hold a public hearing on the proposed subdivision on June 10, 2020 at the Trade Center Building at the Flathead County Fairgrounds and make a recommendation to the Flathead County Board of Commissioners.

**3. Commission**

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board. The original review period shall resume starting five working days after the second public hearing date and action by the Planning Board, per the Flathead County Subdivision Regulations. This means the end of the review period would extend to July 2, 2020.

**II. ADMINISTRATIVE CHARACTERISTICS**

**A. Legal Description and Detailed Location of Subject Property**

The subject property is 40.822 acres in size and is located at 285 North Hill Road. The property can legally be described as Tract 2A in SW4NW4 in Section 16, Township 28 North, Range 22 West P.M.M., Flathead County, Montana.

**Figure 1:** Aerial of subject property (outlined in red)



**B. Subdivision Layout Detail**

1. Total Subdivision Acreage:	40.822 acres
2. Acreage in Lots (spaces):	39.009 acres
3. Acreage in Roads:	1.813 acres
4. Total Park/Common Area/Open Space Acreage:	N/A
5. Minimum Lot Size:	5.436 acres
6. Maximum Lot Size:	35.386 acres
7. Overall Gross Lot Density:	1 lot per 20.411 acres

**C. Current Land Use and Zoning**

The subject property is not zoned and is currently developed with a single family dwelling.

**D. Proposed Land Use**

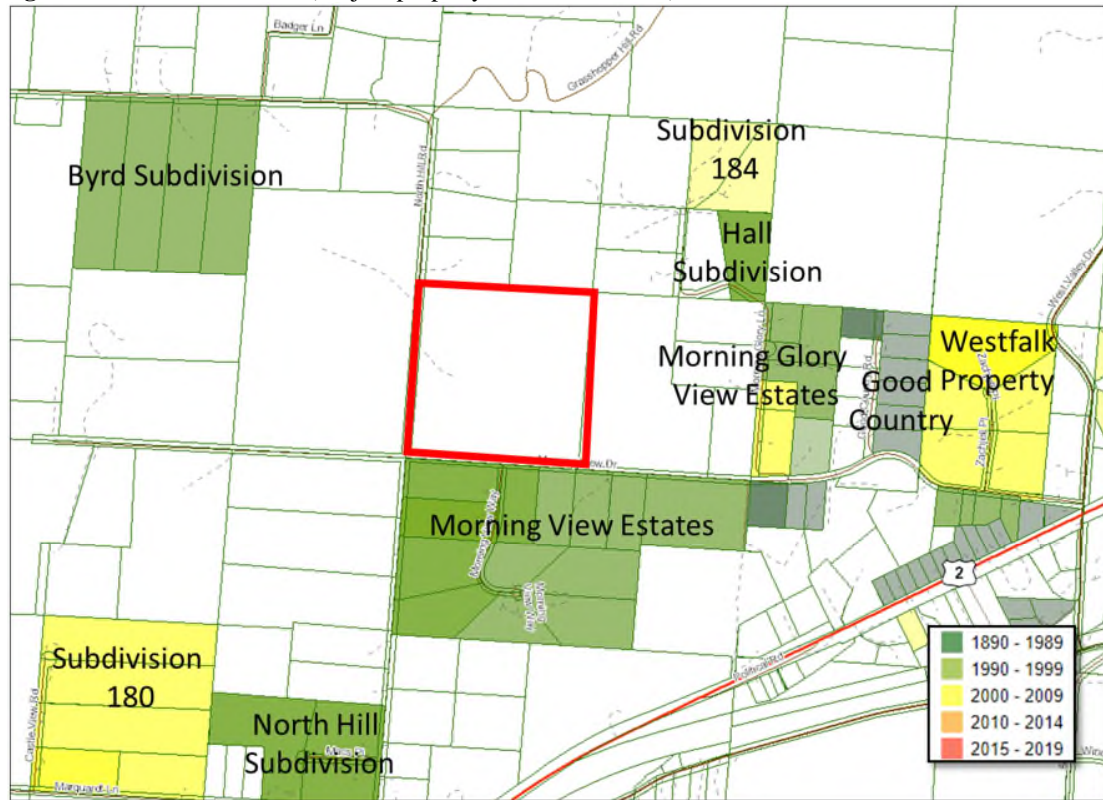
The proposed subdivision would create 1 residential lot and 1 lot for the placement of a church and accessory structures.

**E. Previously Considered Subdivisions in Area**

Existing subdivisions in the vicinity of the proposed subdivision include Morning View Estates, Byrd Subdivision, Subdivision 180 (and amended plat), North Hill Subdivision, Morning Glory View Estates (and amended plat), Hall Subdivision, Subdivision 184, Good Country, and Westfalk Property. The majority of the development occurred between 1995

and 2006 and lot sizes generally range in size from 5-10 acre lots, although the area is unzoned and there are some 1-5 acre lots. The proposed subdivision would establish two lots that would be similar in size to those found in the immediate vicinity.

**Figure 3 - Area subdivisions (subject property in outlined in red)**



#### **F. Utilities and Services**

1. **Water** – Individual Well
2. **Wastewater** – Individual Septic
3. **Electricity** - Flathead Electric Cooperative
4. **Natural Gas** - Northwestern Energy
5. **Solid Waste** - Evergreen Disposal
6. **Telephone Service** - CenturyLink
7. **Fire District(s)** – Smith Valley Fire District
8. **Police** - Flathead County Sheriff

### **III. COMMENTS RECEIVED**

#### **A. Agency Comments**

Referrals were sent to the following agencies on June 14, 2019:

- Flathead County Sheriff
- Public Works/Flathead County Road Department (Environmental Assessment)
- Flathead County Solid Waste
- Flathead City-County Health Department
- Flathead County Weeds & Parks Department
- Flathead County Address Coordinator/GIS Department
- BPA

- MT Fish, Wildlife and Parks
- DNRC Smith Valley School District
- Flathead High School District
- Smith Valley Fire District

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Montana Fish, Wildlife and Parks
  - Comment: “Montana Fish, Wildlife and Parks has no comment on the proposed Saint Herman Subdivision.”
- Flathead County Road and Bridge Department
  - Comment: “At this point the County Road Department does not have any comments on this request.”
- Bonneville Power Administration (BPA)
  - Comment: “At this time, BPA does not object to this request, as the property is located 670 yards away from the nearest BPA transmission lines or structures.”
- Smith Valley Fire District
  - Comment: “Attached are my comments on the proposed subdivision:
    1. Recommend that state commercial building occupancy and fire codes are followed for the church and parish hall.
    2. All structures should be clearly identified with address numbers that are plainly visible and legible from the street. Numbers should be a minimum of four inches in height and reflective.”
- Flathead County Environmental Health Department
  - Comment: “The proposed development of Lot 2 is subject to review under the Sanitation in Subdivisions Act (MCA title 76-4-1). The review will address potable water supply, wastewater treatment, storm water drainage, and solid waste disposal.”

#### **B. Public Comments**

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on July 24, 2019, legal notice was published in the Daily Interlake on July 28, 2019, and notice of the proposal and public hearing was physically posted onsite on July 29, 2019.

As of the date of the completion of this staff report, no public comments have been received from the general public regarding the proposal. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

### **IV. LOCAL GOVERNMENT REVIEW**

#### **A. Review Criteria and Staff Findings**

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review

procedure outlined in Section 4.1 of the Flathead County Subdivision Regulations (FCSR), effective December 3, 2018.

## **1. Agriculture and Agricultural Water User Facilities**

According to the Environmental Assessment, the subject property has historically been used for hay production as have properties to the west North Hill Road. The application notes that the 35 acre lot (Lot 1) will continue to be used for hay production but will cease on the 5 acre lot (Lot 5) once the church facility is developed. As discussed in the soil section, the soils on the proposed church lot are not considered prime farmland. The property is located in an area where farming and residential development coexists and the proposed subdivision for the establishment of a church would not appear to significantly impact agricultural use in the vicinity.

There are no shared agricultural water works, canals, irrigation ditches, or pump houses on the property. The property is not located within an agricultural water district or area.

**Finding #1** – There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision because the property would take approximately 5 acres of agricultural property out of hay production but would not impact adjacent agricultural use as the proposed 5 acre church lot would not impede hay production on other lots.

## **2. Local Services**

### **i. Water and Wastewater Services**

The proposed subdivision will be served by individual wells and wastewater treatment system. The dwelling on Lot 1 has an existing well and septic system and the proposed church lot will be served by a proposed public water system and wastewater treatment system designed for the proposed church, parish hall, and guest cabin. The proposed well will have a 100 foot isolation zone and water data from adjacent wells indicates sufficient water quantity and quality in compliance with MDEQ standards. The applicant is also proposing to utilize a public septic system for the proposed Lot 2 and has been designed by Northern Rockies Engineering, Inc. to accommodate the estimated wastewater flow of approximately 405 gallons/day. While groundwater monitoring test holes indicate a depth of 4.35 feet in Test Pit 3, the remaining test holes indicated groundwater depth of at least 7.2 feet (test pit 2). The application indicates that the drainfield will be designed to assure a minimum separation of 4 feet of separation between the drainfield and adjacent groundwater and a non-degradation analysis shows surface waters down gradient of the proposed wastewater system for the church will not be adversely affected from the wastewater system.

According to Environmental Health, “The proposed development of Lot 2 is subject to review under the Sanitation in Subdivisions Act (MCA title 76-4-1). The review will address potable water supply, wastewater treatment, storm water drainage, and solid waste disposal.” The preliminary plat will be required to undergo review by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

**Finding #2** – The subdivision will have minimal impact on water and wastewater because the subdivision will utilize an existing individual well and septic on Lot 1

and a proposed public well and septic designed to MDEQ standards on Lot 2 and the proposed subdivision will be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

**ii. Solid Waste Disposal**

The Flathead County Solid Waste District typically requests that all new subdivisions in Flathead County use a contract hauler to bring solid waste to the landfill and that the outlying green box sites should not be the primary method of solid waste disposal. The application states the subdivision will utilize Evergreen Disposal for all solid waste disposal.

**Finding # 3** – Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management.

**iii. Roads**

The subject property is located at the intersection of North Hill Road and Morning View Drive and the existing residence on Lot 1 will continue to be accessed by North Hill Road, a predominantly gravel two-lane County road within a 60 foot easement. Although North Hill Road is a primary access road for Lot 1, off-site improvements were determined to not be required as no additional traffic will result from the subdivision on this road north of Morning View Drive, as Lot 1 contains a single family dwelling.

The proposed Lot 2 to be utilized by the church will be accessed by Morning View Drive which is a paved two-lane County road within a 60 foot easement. The latest traffic counts on Morning View Drive and North Hill Road were obtained in 2013 and showed average daily trips of 254 ADT and 150 ADT, respectively. The proposed church would likely increase traffic along Morning View Drive by 59% of the average daily trips per week and could increase traffic by up to 131% on Sundays.

*The Traffic Impact Study (TIS) calculated peak trips entering the property at 28 and exiting at 29. The study anticipates 95% of the vehicle using Morning View Drive and 5% using North Hill Road south of Morning View Drive. From Morning View Drive 80% of the traffic would head east on Highway 2, 10 % would head west on Highway 2 and 5% north on W Valley Drive. The TIS indicates no change in level of service on Morning View Drive and North Hilltop Drive between a no-build scenario and full build out of the subdivision.*

The applicants would be required show proof of a completed approach permit from the Flathead County Road and Bridge Department for the approach onto Morning View Drive indicating the approach has been built and received final inspection and final approval.

**Finding #4** – *Although impacts on area roads would increase as a result of the additional church lot, this would appear to be acceptable with conditions because the primary access road to Lot 2 would be Morning Glory Drive which is a paved, County road within a 60 foot easement, there is no change in level of service as*



*shown in the TIS and a completed approach permit will be required by final plat.*

**iv. Schools**

The subject property is located within the Smith Valley School District and Flathead High School District. Because the house on Lot 1 is existing and proposed Lot 2 would be for a new church, church hall and visitor cabin, no additional impacts to schools are anticipated.

**v. Mail Delivery**

The applicant states that individual mail boxes will be utilized. The developer will be required to submit plans for review and written approval from the local postmaster as a condition of preliminary plat approval.

**vi. Recreation**

Pursuant to Section 4.7.24(a)(i) FCSR, parkland dedication is not required for subdivision lots created that are greater than five gross acres in size. Both lots are over five gross acres and therefore exempt from parkland dedication requirements. The subdivision offers many recreation opportunities given its proximity to Glacier National Park and National Forest lands for hiking, camping, and hunting, and area lakes and rivers for swimming, fishing, and boating. The Flathead County Trails Plan does not designate either Morning View Drive or North Hill Road as future bicycle and pedestrian path routes.

**Finding #5** – Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would not add students to the local school district, the applicant is proposing individual mailboxes, and no parkland dedication is required.

**3. Public Health And Safety**

**i. Storm Water Drainage**

According to the application, additional stormwater runoff from the proposed church lot will be accommodated via roadside swales and retention ponds located on Lot 2. Lot 1 has an existing dwelling and no new impervious cover is anticipated on that lot. The application includes a Stormwater Report by Northern Rockies Engineering, Inc. that indicates 3 ponds will be located beside the proposed parking lot to accommodate stormwater. The application also notes, “Since the slope of the site is generally uniform and proposed ponds will capture most of the stormwater generated on-site by the parking lot, development will not alter any predevelopment flow patterns.” The stormwater proposal will be reviewed by the MDEQ.

**Finding #6** – Impacts from storm water run-off will be acceptable because no new development is proposed on Lot 1, additional stormwater generated by the impervious cover from the church on Lot 2 will be accommodated via roadside swales and retention ponds and the proposed stormwater plan is required to be reviewed and approved by the Montana Department of Environmental Quality.

**ii. Fire/Emergency Medical Services**

The site is located within the Smith Valley Fire District and a fire station is located approximately 2.7 driving mile from the proposal. Ambulance service would be provided by Smith Valley Fire District which is equipped with Basic and Advanced

Life Support, as well as ALERT service provided by Kalispell Regional Medical Center (KRMC). Fire Chief Amy Beick provided a comment requesting: “1. Recommend that state commercial building occupancy and fire codes are followed for the church and parish hall. 2. All structures should be clearly identified with address numbers that are plainly visible and legible from the street. Numbers should be a minimum of four inches in height and reflective.” Based on the location of the subdivision in a rural area of the county, emergency medical service response times may be delayed.

**Finding #7** – The effects of this proposed subdivision on emergency services are acceptable with the imposition of conditions because the property is located within the Smith Valley Fire District and adequate emergency services are available.

**iii. Police Services**

The proposed subdivision is located in a rural area of Flathead County and will be served by the Flathead County Sheriff’s Department. The combination of existing staff levels, shift rotations, size of the county, the dispersed nature of the population, and the property’s relative distance from the Flathead County Sheriff’s Office in Kalispell may lead to delayed response times in the event of an emergency.

**Finding #8** – Impacts on police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Flathead County Sheriff’s Department in the event of an emergency.

**iv. Impact of Noise**

While some noise and vibration will probably result from construction, these impacts will be limited in duration and should not negatively impact the surrounding area. Activities at the church facility is likely to be the only noise generated from proposed Lot 2 and will likely occur during Sunday services and some weekday activities. The use of a church does not appear to be incompatible with the agricultural and residential neighborhood.

**v. Air Quality**

As previously noted, the subject property is located at the intersection of North Hill Road, a gravel roadway, and Morning View Drive, a paved roadway. Lot 1 has an existing dwelling and no additional development is anticipated at this time and therefore minimal additional impact to air quality is expected. The church, church hall and guest house would be accessed by a paved roadway from Highway 2 and thus impacts from dust are also anticipated to be minimal. The applicant has submitted a “Dust Control Plan” compliant with Section 4.7.14 FCSR. It is recommended that a note be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

**Finding #9** - Adverse impacts to air quality and noise are anticipated to be minimal as a Dust Abatement Plan was provided to mitigate potential issues of dust during construction and impacts of noise from the church are not expected to extend beyond property lines or be incompatible with the surrounding agricultural or residential neighborhood.



**vi. High Voltage Electric Lines/High Pressure Gas Lines**

There are no high pressure gas lines or high voltage electrical lines on the subject property.

**vii. Airport Influence Areas**

The subject property is not within an airport influence area.

**Finding #10** – The proposal does not appear to have an impact on high voltage electric lines, high pressure gas lines or an airport influence area because the property is not located near any of these.

**4. Natural Environment**

**i. Soils**

According to NRCS soils data, the soils on the property are comprised of 6 soils: Mountainous land (Mr), Prospect loam, 3-7% slope (Pb), Prospect loam 7-12% (Pc), Prospect Loam 10-20% slopes (Pd), Prospect stony loam 7-12% slopes (Pf), and Prospect-Tuffit silt loams 0-3% slopes (Pk). Only the Pb, prospect loam is considered farmland or statewide importance and the remaining soils are not considered prime farmland.

**ii. Geologic/Avalanche Hazards**

According to the EA submitted with the application materials and confirmed by a staff site visit, no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards are present on the subject property. The lot is relatively flat with gentle slopes between 1-8% where the proposed Lot 2 would exist.

**Finding #11** – No impacts from soils and geological and avalanche hazards are anticipated because the property is relatively flat and there is no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards on the property.

**iii. Flora**

The application states, “As shown on the preliminary plat, located in Section 3, and historical air photo’s, located in Appendix 20, the land within the subdivision is primarily grassland with a few scattered trees. There is one wetland region in the Northeast portion of the property. The extent of this wetland is well defined. The proposed church lot includes only grassland.” A Wetland Delineation Report was not required of the applicant because they are placing a ‘No Build Zone’ on the plat in order to comply with Section 4.7.10(c).

A search conducted by the Montana Natural Heritage Program identified this general area of the County may contain 3 species of concern including Pale-yellow Jewel-weed, Sweetflag, and Geyer’s Onion. The only species that may have habitat on the subject property is the Geyer’s Onion and no specific identification has occurred on the site.

According to the Weed Management Plan there is Spotted Knapweed and Burdock in patches. The prevention of noxious weeds is particularly important with regard to construction and development. As such, and pursuant to Section 4.7.25 FCSR, an approved weed control management plan, applicable to all lots, will be required

to be approved by the Flathead County Weed Department as a condition of final plat approval. The proposed subdivision is not anticipated to negatively impact flora.

**Finding #12** – The impacts to flora are expected to be acceptable because the applicants will generally only disturb the building foot prints on Lot 2 for the proposed church buildings, wetlands are limited in scope and are labeled as a “No Build Zone”, and the subdivision will be required to have an approved Soil Disturbance and Weed Management Plan prior to construction activities.

**iv. Riparian/Wetland Areas**

There would be minimal impact to riparian or wetland areas because only one small seasonal pond with wetland characteristics exists on Lot 1 and no development on Lot 2 would occur within the delineated wetland boundaries. According to the applicant, “this wetland area is well confined. It is obvious that there are no other wetlands on this site. Therefore, a no build zone is proposed that encompasses the seasonal pond and wetland region.” Due to the limited nature of the wetland, minimal impacts to riparian and wetland areas is expected.

**v. Floodplain**

According to FEMA FIRM Panel 30029C1800J, the subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area.

**Finding #13** – Minimal impacts to floodplain, wetland or riparian areas is anticipated as a result of the proposed subdivision because the property is located outside of the Special Flood Hazard Area, there are no riparian areas on the property, and the impacts to the wetland on Lot 1 will be mitigated by a ‘No Build Zone’ on the face of the final plat.

**5. Wildlife and Wildlife Habitat**

The 40 acre subject property is located approximately 2.5 miles from the city limits of Kalispell and is located within an area where residential and agricultural use exist. The subject property contains a variety of grass and shrub and has historically been used for hay production. As previously discussed, there is one small seasonal pond with wetland vegetation. Due to the proximity to the City of Kalispell, the size of the subject property, and the historic use of the lot it would appear that minimal impacts to wildlife and wildlife habitat would occur as a result of the proposed subdivision. The Montana Natural Heritage Program report of species of concern for the section (Township 28N Range 22W) in which the development will occur. The report identified 10 animal species of concern including three mammals, six bird species, one amphibian, and one fish species. Of the species of concern listed in the report only the Little Brown Myotis, American Bittern, Black Tern, and Horned Grebe have habitat found on the subject property. A comment from the Montana Fish, Wildlife and Parks indicates no concern/comment with the proposed subdivision.

**Finding #14** – Impacts to wildlife and wildlife habitat as a result of the proposed subdivision are anticipated to be minimal as the subject property is located only 2.5 miles from the city of Kalispell, the subdivision proposal would create only one additional lot on the 40 acre parcel, and the Montana Fish, Wildlife and Parks provided

no comment of concern regarding the proposed subdivision's impacts on wildlife or wildlife habitat.

**6. Historical Features**

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property.

**Finding #15** – The proposed subdivision will not adversely impact historical features because there are no known known historic, archeological, or cultural sites on the subject property.

**B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.**

**Finding #16** – The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

**C. Compliance with the Flathead County Subdivision Regulations and Review Procedure**

**1. Requested Variances**

No variances have been requested with this application.

**2. Flathead County Subdivision Review Procedure**

**i. Pre-application Conference Date**

February 14, 2019

**ii. Application Deadline Date (6 months from pre-application)**

August 14, 2019

**iii. Application Submittal Date**

May 24, 2019

**iv. Completeness Date**

May 29, 2019

**v. Sufficiency Date**

June 5, 2019

**vi. Agency Referral Requests Mailing Date**

June 14, 2019

**vii. Adjacent Property Notification Mailing Date**

July 24, 2019

**viii. Legal Notice Publication Date**

July 28, 2019

**ix. On-site Posting of Public Hearing Date**

July 29, 2019

**Finding #17** – The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.

**D. Provision of Easements for the Location and Installation of Planned Utilities**

**Finding #18** – The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided

property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

**E. Provision of Legal and Physical Access to Each Parcel**

**Finding #19** – Morning View Drive and North Hill Road would provide legal and physical access to the subdivision.

**F. Review of Applicable Plans**

76-1-605(2)(b) M.C.A states that *A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.* Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

**1. Neighborhood Plan**

The proposed subdivision is located in an area of Flathead County that is not within a neighborhood plan.

**2. Flathead County Growth Policy**

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

**G. Compliance with Local Zoning**

As previously stated, the proposed subdivision is located in an area of Flathead County that is presently not zoned.

**Finding #20** – The proposed subdivision is not zoned and generally complies with the Flathead County Growth Policy.

**V. SUMMARY OF FINDINGS**

1. There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision because the property would take approximately 5 acres of agricultural property out of hay production but would not impact adjacent agricultural use as the proposed 5 acre church lot would not impede hay production on other lots.
2. The subdivision will have minimal impact on water and wastewater because the subdivision will utilize an existing individual well and septic on Lot 1 and a proposed public well and septic designed to MDEQ standards on Lot 2 and the proposed subdivision will be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality. [Condition 5]
3. Impacts on solid waste disposal would be acceptable with standard conditions because the lots within the proposed subdivision would utilize contract haul services for solid waste management. [Conditions 7 & 10iv]

4. *Although impacts on area roads would increase as a result of the additional church lot, this would appear to be acceptable with conditions because the primary access road to Lot 2 would be Morning Glory Drive which is a paved, County road within a 60 foot easement, there is no change in level of service as shown in the TIS and a completed approach permit will be required by final plat. [Condition 16]*
5. Impacts on local services with regard to schools, recreation and mail delivery would appear to be acceptable as the proposed subdivision would not add students to the local school district, the applicant is proposing individual mailboxes, and no parkland dedication is required. [Condition 6]
6. Impacts from storm water run-off will be acceptable because no new development is proposed on Lot 1, additional stormwater generated by the impervious cover from the church on Lot 2 will be accommodated via roadside swales and retention ponds and the proposed stormwater plan is required to be reviewed and approved by the Montana Department of Environmental Quality. [Condition 5]
7. The effects of this proposed subdivision on emergency services are acceptable with the imposition of conditions because the property is located within the Smith Valley Fire District and adequate emergency services are available. [Condition 2]
8. Impacts on police services would be minimal with standard conditions because the lots within the proposed subdivision would be served within an acceptable response time by the Flathead County Sheriff's Department in the event of an emergency.
9. Adverse impacts to air quality and noise are anticipated to be minimal as a Dust Abatement Plan was provided to mitigate potential issues of dust during construction and impacts of noise from the church are not expected to extend beyond property lines or be incompatible with the surrounding agricultural or residential neighborhood. [Conditions 8 & 10iii]
10. The proposal does not appear to have an impact on high voltage electric lines, high pressure gas lines or an airport influence area because the property is not located near any of these.
11. No impacts from soils and geological and avalanche hazards are anticipated because the property is relatively flat and there is no evidence of unstable soils, rock outcroppings, falls or slides indicating significant geologic hazards on the property.
12. The impacts to flora are expected to be acceptable because the applicants will generally only disturb the building foot prints on Lot 2 for the proposed church buildings, wetlands are limited in scope and are labeled as a "No Build Zone", and the subdivision will be required to have an approved Soil Disturbance and Weed Management Plan prior to construction activities. [Conditions 3, 10v & 17]
13. Minimal impacts to floodplain, wetland or riparian areas is anticipated as a result of the proposed subdivision because the property is located outside of the Special Flood Hazard Area, there are no riparian areas on the property, and the impacts to the wetland on Lot 1 will be mitigated by a 'No Build Zone' on the face of the final plat. [Condition 17]
14. Impacts to wildlife and wildlife habitat as a result of the proposed subdivision are anticipated to be minimal as the subject property is located only 2.5 miles from the city of Kalispell, the subdivision proposal would create only one additional lot on the 40 acre

parcel, and the Montana Fish, Wildlife and Parks provided no comment of concern regarding the proposed subdivision's impacts on wildlife or wildlife habitat.

15. The proposed subdivision will not adversely impact historical features because there are no known known historic, archeological, or cultural sites on the subject property.
16. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval. [Condition 11]
17. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018. [Condition 14]
18. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations. [Condition 14]
19. Morning View Drive and North Hill Road would provide legal and physical access to the subdivision.
20. The proposed subdivision is not zoned and generally complies with the Flathead County Growth Policy.

## **VI. CONCLUSION**

In accordance with the provisions of Section 4.5.7 of the Flathead County Subdivision Regulations, a review and evaluation of the preliminary plat application has been completed by the staff of the Flathead County Planning and Zoning Office. The proposed subdivision appears to generally comply with the subdivision review criteria, pursuant to the Findings of Fact. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, Findings of Fact and Conditions of Approval attached should be adopted.

## **VII. CONDITIONS OF APPROVAL**

### **A. Standard Conditions**

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv) and 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the Smith Valley Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR and Finding of Fact (FOF) 7]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed

Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR and FOF 12]

4. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
5. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20 and 4.7.21 FCSR & FOFs 2 & 6]
6. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR & FOF 5]
7. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR & FOF 3]
8. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR & FOF 9]
9. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
10. The following statements shall be placed on the face of the final plat applicable to all lots:
  - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
  - b. All utilities shall be placed underground. [Section 4.7.23 FCSR]
  - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14 FCSR & FOF 9]
  - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR & FOF 3]
  - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25 FCSR & FOF 12]
11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A. & FOF 16]



12. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
13. All required improvements shall be in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
14. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR & FOF 17 & 18]
15. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

**B. Project-Specific Conditions**

16. The applicant shall show proof of a completed approach permit from the Flathead County Road and Bridge Department for the approach onto Morning View Drive indicating the approach has been built and received final inspection and final approval. [Section 4.7.16, FCSR & FOF 4]
17. The boundaries of the wetland shown on the preliminary plat shall be labeled as a 'No Build Zone' on the face of the final plat. [Section 4.7.10 FCSR & FOF 12 & 13]